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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,903	10/19/2001	Manoel Tenorio	020431.0954	8331
53184	7590	10/31/2005	EXAMINER	
i2 TECHNOLOGIES US, INC. ONE i2 PLACE, 11701 LUNA ROAD DALLAS, TX 75234			BADII, BEHRANG	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/032,903

Applicant(s)

TENORIO, MANOEL

Examiner

Behrang Badii

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/1/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Response to Amendment***

Applicant's arguments filed 8/8/05 have been fully considered but they are not persuasive. Cain et al. discloses separate mechanisms for classifying different items at different levels of the hierarchy in the taxonomy schema as discussed below.

Further it would be inherent from the prior art that the higher level group (master in relation to the lower level group) can be classified based on a different schema (classification category) than from secondary group or items in the taxonomy structure.

**2112 [R-2] Requirements of Rejection Based on Inherency; Burden of Proof**

The express, implicit, and inherent disclosures of a prior art reference may be relied upon in the rejection of claims under 35 U.S.C. 102 or 103. "The inherent teaching of a prior art reference, a question of fact, arises both in the context of anticipation and obviousness." In re Napier, 55 F.3d 610, 613, 34 USPQ2d 1782, 1784 (Fed. Cir. 1995) (affirmed a 35 U.S.C. 103 rejection based in part on inherent disclosure in one of the references). See also In re Grasselli, 713 F.2d 731, 739, 218 USPQ 769, 775 (Fed. Cir. 1983).

**DETAILED ACTION**

Claims 1-22 have been examined.

P = page, e.g. p1 = page 1.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-22 have been rejected under 35 U.S.C. 102(e) as being anticipated by Cain et al., WO 2001/55886 A2.

As per claims 1, 8, 15 & 22, Cain et al. discloses an electronic commerce system/method/software for generating, updating, and managing multi-taxonomy environments, the system comprising (product classification):

one or more databases operable to store product data for one or more products (p1, 7-12; p5, 28-32; p.6, 1-15, p.8, 1-18; fig.5; The system stores product data for different products one or more databases/ leaf nodes of the system);

a master global content directory (database) including a plurality of product classes organized in a hierarchy according to a first schema (classification module) ( p60, 9-24; p24, 6-12; fig4A; p35, 22-32; p36, 1-8; p40, 20-32; p43, 15-23; p44, 11-19), each product class categorizing a plurality of products and associated with one or more attributes of the products categorized in the product class, at least one of the product classes having one or more associated product pointers that identify one or more of the databases (p.5, 28-32; p.6, 1-15; The system comprises of classifying products in a hierarchical organization consisting of master node of tree leaves);

one or more secondary content directories including one or more product classes organized in a hierarchy according to a second schema that is distinct from the first schema (classification module) ( p60, 9-24; p24, 6-12; fig4A; p35, 22-32; p36, 1-8; p40,

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20-32; p43, 15-23; p44, 11-19) of the master global content directory, each product class being mapped to one or more product classes in the master global content directory and having one or more associated class pointers that identify the one or more product classes in the master global content directory to which the product class is mapped (p.5, 5-32; p.6, 1-32; (The system comprises of products being classified in a hierarchy that allows for the products to be placed due to their descriptions); and

a search interface (fig's 5-7) operable to:

receive a selection of a product class of a secondary content directory from a user, the selected product class having at least one class pointer identifying at least one product class in the master global content directory (p.9, 1-24; fig.4b; p.66, 3-9; The system consists of secondary nodes which are classified in a hierarchy consisting of a primary node followed by secondary nodes which include products according to their descriptions.); and

communicate in response to selection of the product class by the user, a search query to one or more of the databases to search product data stored in the databases identified by one or more of the product pointers to facilitate a commercial transaction involving one or more products (p.9, 1-24; p.27, 1-32; Merchants, buyers and sellers can search the hierarchy of products for their particular transaction).

As per claims 2, 10 & 17, Cain et al. discloses wherein the secondary content directories are personal to one or more users and are organized in a hierarchy satisfying one or more requirements for the users (p.9, 1-24; p.21, 1-32; fig.4b, 2 & 3a).

As per claims 3, 11 & 18, Cain et al. discloses wherein a class pointer identifying a product class in the master global content directory also inherently identifies all product classes under the product classes in the hierarchy of the master global content directory (p.5, 28-32; p.6, 1-32; fig.5-7).

As per claims 4, 9, & 16, Cain et al. discloses wherein the search interface is further operable to (fig's 5-7):

receive the selection of a product class of a secondary content directory from a user of the secondary content directory (p.5, 1-32; p.6, 1-32; p.8, 7-20);

receive one or more search parameters for a product from the user (p.9, 1-32);

determine the product classes in the master global content directory identified by the class pointers in the selected product class (p.5, 28-32, p.6, 1-32);

determine the databases identified by product pointers in the determined product classes of the master global content directory (fig.5-7; p.8, 1-20), and

communicate a search query having the search parameters to the determined databases (p.9, 1-32; p.66, 3-10; fig's 5-7).

As per claims 5, 12 & 19, Cain et al. discloses wherein access to the master global content directory is determined by which product classes in the master global content directory are identified by class pointers associated with the product classes in a secondary content directory (p.9, 1-32; p.18, 7-20; fig's 5-7; p.66, 3-10).

As per claims 6, 13 & 20, Cain et al. discloses wherein one or more of the product pointers identify particular product data in one or more of the databases (p.9, 1-32; p.18, 7-20; fig's 5-7; p.66, 3-10).

As per claims 7, 14 & 21, Cain et al. discloses wherein the search query comprises desired values, specified by the user of one of the secondary content directories, for one or more of the product attributes associated with a selected product class (p.9, 1-32; p.66, 3-10; fig.7).

### ***Conclusion***

This is a continuation of applicant's earlier Application No. 10/032903. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wong et al. (U.S. patent 5,890,175) discloses a dynamic generation and display of catalogs.

Barton, III et al. (U.S. patent 6,026,381) discloses a financial market classification system.

Foster et al. (U.S. patent application publication 2003/0130905) discloses a method, apparatus and system for merchandising related applications.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrang Badii whose telephone number is 571-272-6879. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Any response to this action should be mailed to:**

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**or faxed to (703)872-9306**

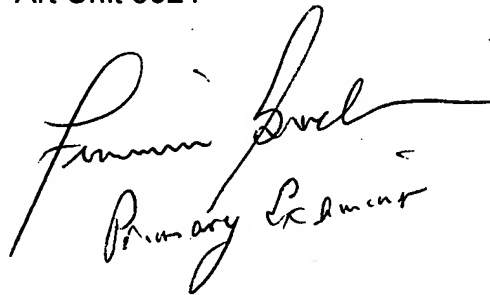
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Any inquiry of a general nature or relating to the status of this application  
or proceeding should be directed to the Technology Center 3600 Customer Service  
Office whose telephone number is **(703) 306-5771**.

Behrang Badii  
Patent Examiner  
Art Unit 3621

BB



Primary Examiner